CRAWFORD MAUNU PLLC

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: A METHOD FOR IMPROVING PERFORMANCE IN A COMPUTER STORAGE SYSTEM BY REGULATING RESOURCE REQUESTS FROM CLIENTS.

The specification of which

- a. is attached hereto
- b. is entitled A METHOD FOR IMPROVING PERFORMANCE IN A COMPUTER STORAGE SYSTEM BY REGULATING RESOURCE REQUESTS FROM CLIENTS, having attorney docket number SJO920030028US1 (IBMS.004PA).
- c. was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37. Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35. United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. no such applications have been filed.
- b. such applications have been filed as follows:

	FOREIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER 3	5 USC § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
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	LL FOREIGN APPLICATION(S), IF ANY, F	LLED BEFORE THE PRIORITY	APPLICATION(S)
COUNTRY	LL FOREIGN APPLICATION(S), IF ANY, F APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
	,	

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that J have consented after full disclosure to be represented unless/until I instruct person/assignee/attorney/firm/ organization to the contrary.

Funk, Steven R.	Reg. No. 37,830	Crawford, Rober	t J. Reg. No. 32,122	Maunu, LeRoy	D. Reg. No. 35,274
Hollingsworth, Mark	A. Reg. No. 38,491	Curtin, Eric).	Reg. No. 47,511	Davis, Clara	Reg. No. 50,495
Lynch, David W.	Reg. No. 36,204	Barkley, Jean M.	Reg. No. 39,541	Bates, Allen	Reg. No. 50,276
Bluestone, Randall J.	Reg. No. 40,518	Crockatt, Dale	Reg. No. 35,109 Gr	reen, Stanley B.	Reg. No. 24,351
Raissinia, Abdy	Reg. No. 38,686	Sabor, Paik	Reg. No. 37,494	Gill, William	Reg. No. 44,124
Hughes, Christopher	Reg. No. 26,914	Redmond, Joseph	Reg. No. 18,753		•

Please direct all correspondence in this case to Crawford Maunu PLLC at the address indicated below:

Crawford Maunu PLLC 1270 Northland Drive, Suite 390 St. Paul, MN 55120

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name CHAMBLISS	First Given Name DAVID		Second Given Name DARDEN
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Sign	nture of Inventor 2	02: Ohjadan		Date: Ji	ine 20,2003
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Sign	ature of Inventor 2	03: January		Date	no 20, 2003
2	Full Name Of Inventor	Family Warne MENON	First Given Name RAMACHANDRAN	0	Second Given Name GOPALAKRISHNA
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Sign	ature of Inventor 2	1		Date:	UNE 23,2003
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5	Post Office	Post Office Address	City FREMONT		State & Zip Code/Country CA/94538/USA
	Address	2000 WALNUT AVENUE #D107	PREMONI		(.////43./0/03/

Sign	ature of Inventor 2	105: Postat lady	Date:	Ture 23, 2003
2	Full Name Of Inventor	Family Name XU	First Given Name	Second Given Name
0	Residence & Citizenship	City SAN JOSE	State or Foreign Country CALIFORNIA	Country of Citizenship USA
6	Post Office Address	Post Office Address 1370 VIA DE LOS REYES	City SAN JOSE	State & Zip Code/Country CA/95120/USA
Sign	sture of Inventor 2	06:	Date:	Tune 23, 2003

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information cansists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim: or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

CRAWFORD MAUNU PLLC

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

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FORE	cign application(s), if any, cl	AIMING PRIORITY UN	DER 35 USC 4	ity	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, mouth, year)		DATE OF ISSUE (day, shouth, year)	
Ali. Pore	ign application(s). If any, fil	en before the prior	RITY APPLIC	ATION(S)	
COUNTRY	APPLICATION NUMBER	DATE OF FILING		DATE OF ISSUE	
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U.S. APPLICATION NUMBER	DATE OF FILING	dey, month, year)	STATUS	(pulcated, pending, ahus	(braubi
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U.S. PROVISIONAL A	PPLICATION NUMBER	DA	te of film	G (Day, Worth, Year)	

Page 3/8

I hereby authorize personnel at the U.S. Patent and Trzdemark Office to act and rely in instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct person/assignee/attorney/firm/ organization to the contrary.

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	Full Name	Family Name	First Given Name	Second Given Name
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1	Residence	City	State or Foreign Country	Country of Citizenship
	& Cidzenship	MORGAN HILL	CALIFORNIA	USA
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il ge	inture of Inventor 20	" Sowil & Claud	liss	23 June 2003
_	Full Name	Family Name	First Given Name	Second Given Name
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-	Address	6366 TAMALPAIS AVENUE	SAN JOSE	CA/95120/USA
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	Full Name	Family Name	First Given Name	Becamd Given Name
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0	Residence	Clty	State or Foreign Country	Country of Citizenship
	& Citizenship	CAMPREL	CALIFORNIA	USA
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	Address	P.O. BOX 1318	SANTA CLARA	CA/95052/USA
-	nature of Seventor	203:		Date:
W.				
	Fusi Name	Fundly Name	First Gives Name	Second Cives Name
2	Full Nyme ()T Inventor	Pamily Name MENON	First Given Name RAMACHANDRAN	G.
_		1	} ••••••	G. Country of Chizenship
_	() Inventor	MENON	RAMACHANDRAN	G. Country of Chizenship TNDIA
_	to Inventor	MENON	RAMACHANDRAN State or Foreign Country	G. Country of Chizenship

Vuli Name Family Name First Given Name Record Gives Nume Of Inventor PANDEY PRASILAN'S Residence State or Foreign Country Country of Citizenship & Citizenanio FRUMONT CALIFORNIA INDIA Post Uffice Post Office Address Obs State & Zip Code/Country 2000 WALNUT AVENUE #0107 Addres FREMONT CA/94538/USA Signature of Inventor 205: Date: Full Nume Family Name First Given Name Second Given Name 2 Of Inventor **MAIL** ß Residence City State or Foreign Country Country of Citizenship & Citizenship SAN JOSE CALIFORNIA USA Post Office Post Office Address City State & Zip Code/Country 1370 YLA DE LOS REYES SAN JUNE CAMPIZINUSA Address Date: Signature of Inventor 206:

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